

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF October 1, 2007

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Steve Anderson called the meeting to order at 9:04 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Steve Anderson, R.Ph., President
William Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, Member
Winnie Landis, R.Ph., Member
Anika Calloway, J.D., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy M. Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Cover/St. Angelo

Motion carried 7/0/0

ADOPTION OF MINUTES FROM September 10, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the September 10, 2007 meeting of the Board.

Cover/Landis

Motion carried 7/0/0

PERSONAL APPEARANCES

Reports were given by the Compliance Officers.

Chuck Heitholt, R.Ph., Community Health Network, appeared before the Board regarding *Instymeds* automated dispensing system. Board noted that Community North followed its recommendations. A motion was made and seconded to approve the use of the two *Instymed* machines being used by Community North.

Wall/St. Angelo

Motion carried 6/1/0 (Fanning)

Jillian Sentiere failed to appear before the Board regarding a positive response on her pharmacy technician application. A motion was made and seconded to deny the application.

Landis/Cover

Motion carried 7/0/0

Ashley Brown failed to appear for her personal appearance before the Board regarding her failure to appear at her probationary appearances. A motion was made and seconded to file an Order to Show Cause.

Wall/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following licensure transfers:

Nilsa Alvarez	(FL)
Rachel Jager	(IL)

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following new store application:

<i>Store</i>	<i>Type</i>	<i>Opening</i>	<i>Received</i>
Wellspring Pharmacy-South 1550 E County Line Rd #150 Indianapolis, IN 46227	VI	December 1, 2007	September 5, 2007
QoL Meds 8555 Taft Street Merrillville, IN 46410	VI	December 1, 2007	September 24, 2007

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following new store application contingent upon the addition of a qualifying pharmacist execution of the application and the presence of a Board member at the Muncie location:

<i>Store</i>	<i>Type</i>	<i>Opening</i>	<i>Received</i>
Genoa Healthcare of Indiana LLC 130 N Tillotson Ave Muncie, IN 47304	III	October 15, 2007	September 14, 2007
Genoa Healthcare of Indiana LLC 410 Mulberry St Evansville, IN 47713	III	November 1, 2007	September 24, 2007

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following store closings:

<i>Store</i>	<i>Type</i>	<i>Date closed</i>
Healthsouth Rehabilitation Hospital 501 E St. Anthony Dr Terre Haute, IN 47802	II	September 13, 2007
Cardinal Compounding Pharmacy PC 499 Broad St New Castle, IN 47362	VI	September 21, 2007

Calloway/St. Angelo

Motion Carried 7/0/0

The Board approved the appearances of the following probationers:

Gerry Bowman
Gilbert Chavarria
Edward Hine
Michael Long
Dennis Mock
Ruth Murr
Jeremiah Strunc
Gary Trauth
Ernest Whitacre

Fanning/Landis

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

James Dudek
Charles Lindstrom
Teri Mihelich
Muataz Noffel
Donielle Shead
Daniel Weaver

Cover/Fanning

Motion carried 7/0/0

Elaine Niese and Robert Jaberg did not appear.

Administrative Hearings started at 10:04 a.m. beginning with the following:

In the Matter of the Non-Resident Pharmacy Application of Apothecure, Inc
Administrative Cause No. 2007 IBP 0055
Re: Petition for Review of Denial

Parties and Counsel Present:

Gary Osborn, Applicant

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway

Wall
Landis

Case Summary:

Applicant Apotheecure, Inc. petitioned the Board to appeal the Board's decision to deny it a non-resident pharmacy application.

Witnesses for the Applicant:

Gary Osborn

Witnesses for the State:

None

Board Action:

A motion was made and seconded to recess the hearing until November 5, 2007 for the Applicant to provide documentation supporting the application and all documentation regarding prescriptions shipped into Indiana by Apotheecure.

Wall/Cover

Motion carried 7/0/0

State of Indiana vs. Kristen Dean, Pharmacy Technician

Certification No. 67012149A

Administrative Cause No. 2007 IBP 0021

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Kristen Dean, Respondent

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Witnesses for the Respondent:

Kristen Dean

Witnesses for the State:

None

Case Summary:

Respondent filed a petition requesting withdrawal of the probationary terms placed on his license by the Board.

Board Action:

A motion was made and seconded to withdraw probation.

Fanning/St. Angelo

Motion carried 7/0/0

In the Matter of the License Renewal Application of Robert Dimmen, R.Ph.

License No. 26014490A

Administrative Cause No. 2006 IBP 0037

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Robert Dimmen, Respondent

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Witnesses for the Respondent:

Robert Dimmen

Witnesses for the State:

None

Case Summary:

Respondent filed a petition requesting withdrawal of the probationary terms placed on his license by the Board.

Board Action:

A motion was made and seconded to withdraw probation.

Landis/Cover

Motion carried 7/0/0

State of Indiana vs. Ryan Raines, Pharmacy Technician

Certification No. 67008275A

Administrative Cause No. 2006 IBP 0038

Re: Extension of Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/St. Angelo

Motion carried 7/0/0

State of Indiana vs. Suranna Wallace-Ashman, R.Ph.

License No. 26017205A

Administrative Cause No. 2007 IBP 0014

Re: Extension of Summary Suspension

Parties and Counsel Present:

Heather Kennedy, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

St. Angelo

Cover

Calloway

Wall

Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/Cover

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Mark Huntzinger

Cover/Landis

Motion carried 7/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications:

PharMEDium Services, LLC—Cleveland, MS

PharMEDium Services, LLC—Sugar Land, TX

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the following wholesale application which is exempt from VAWD:

Amylin Pharmaceuticals

Wall/St. Angelo

Motion carried 7/0/0

Director of the Medical Licensing Board Michael Rinebold presented information on the current status of physician assistant prescribing.

A motion was made and seconded to approve the following change of location/remodel applications:

New	Old	Received
Curascript Infusion Pharmacy Inc 5013 Plaza E Blvd Evansville, IN 47715	600 N Weinbach Ave Ste 940 Evansville, IN 47711	August 30, 2007
IOM Health System, L.P. 7950 W Jefferson Blvd Fort Wayne, IN 46804	Remodel	September 21, 2007
Marsh Drugs LLC Dbas O'Malia Pharmacy #7209/839 320 N New Jersey St Indianapolis, IN 46204	Remodel	September 25, 2007

Cover/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the following change of ownership:

New	Old	Received
St. Margaret Mercy 5454 Hohman Ave Hammond, IN 46320	Cardinal Health	August 1, 2007

Cover/Calloway

Motion carried 7/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Tracey Ray
Thomas Piles
Amy Dillman
Derek Strainer
Jacquelyn Shelton
Noni Mitchell
John Soules III

Fanning/Landis

Motion carried 7/0/0

A motion was made and seconded to table the application and request a personal appearance for the following:

Natalie (Burke) Hoyt

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the following requests for age waivers for pharmacy technician applications:

Kasey Myrick
Cassandra Shrum – pending employer recommendation
Kayla Moore
Kristani Avery
Charles Field III – pending employer recommendation
Stephanie Burns
Arron Sater
Melanie Quinn
Brenden Williams

Fanning/Landis

Motion carried 7/0/0

A motion was made and seconded to table the waiver request and request a personal appearance for the following:

Queen Townsend

Fanning/Wall

Motion carried 7/0/0

Board member Landis is not in attendance for the remainder of the meeting.

The following hearings begin at 1:45 p.m.

State of Indiana vs. Anne Idlewine, Pharmacy Technician

Certification No. 67000170A
Administrative Cause No. 2007 IBP 0003
Re: Default Hearing

Parties and Counsel Present:

Heather Kennedy, Deputy Attorney General

Participating Board Members:

Wall
Fanning
Anderson
St. Angelo
Cover
Calloway
Landis

Case Summary:

A notice of proposed default was issued adverse the Respondent.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to hold the Respondent in default.

Cover/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to revoke the Respondent's license.

Wall/St. Angelo

Motion carried 6/0/0

State of Indiana vs. Daniel Behrens, R.Ph.

License No. 26020621A

Administrative Cause No. 2007 IBP 0027

Re: Default Hearing

Parties and Counsel Present:

Heather Kennedy, Deputy Attorney General

Participating Board Members:

Wall

Fanning

Anderson

St. Angelo

Cover

Calloway

Landis

Case Summary:

A notice of proposed default was issued adverse the Respondent.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to hold the Respondent in default.

Wall/Cover

Motion carried 6/0/0

A motion was made and seconded to suspend Respondent's license for ninety-nine (99) years.

Cover/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following HME Provider applications pending inspection:

Holdaway Medical Services LLC

Cork Medical LLC

Kreg Therapeutics, Inc

Options DME LLC

Fuller Rehabilitation & Consulting Services Inc

EmpiCare, Inc

Anderson/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following continuing education applications:

Katie Russell-Sullivan	(6)
Howard County Pharmaceutical Assoc	(8-1hr)
Tracy Bottorff	(0.5)
Alicia Thorne	(1)

Anderson/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to table the following continuing education applications:

Loralyn Kohne	(37)
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Anderson/St. Angelo

Motion carried 6/0/0

MISCELLANEOUS

Discussion regarding draft automated medication system rule.

Discussion regarding Medco's automated medication system and how it relates to Indiana law. The following is a synopsis of the Board's interpretation of Indiana statute and rule:

Technicians. The functions within Medco's bulk and prep area are not technician functions; therefore, personnel within the bulk and prep area will not be counted against the 4:1 technician ratio. Likewise, maintenance/engineering technicians are not technicians as defined in Indiana and will not be counted against the 4:1 technician ratio.

Supervision. 4:1 technician ratio will be calculated based on the "four walls" of the pharmacy (as opposed to being calculated based on functions within the pharmacy).

Physician Verification/System Verification (PV/SV). The technician functions within PV/SV for the dispensing of Unit of Use items from manufacturers and Medco pre-packaged items are approved based on the wording in the definition of "Automated Medication System" (i.e., "including manual processes that rely on barcode or other automated technology").

Board Director Report

A motion was made and seconded to approve the following renewal application pending successful completion of MPJE.

Thomas Meier—Pharmacist License Expired 06/30/2002

St. Angelo/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following renewal applications:

Medco—Non-Resident Pharmacy Positive Response
Tricare Pharmacy Network LLC—Non-Resident Pharmacy Positive Response
ESI Mail Pharmacy Service Inc—Non-Resident Pharmacy Positive Response
Express Scripts Specialty Distribution Services Inc—Non-Resident Pharmacy Positive Response

Hotze Pharmacy, LP—Non-Resident Pharmacy Positive Response
Express Scripts Inc—Non-Resident Pharmacy Positive Response

St. Angelo/Cover

Motion carried 7/0/0

The meeting adjourned at 3:23 p.m.

Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, November 5, 2007
Indiana Professional Licensing Agency
Conference Room W064